

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 745 - HB 883

March 28, 2023

SUMMARY OF BILL AS AMENDED (006446, 006532): Expands the definition of abortion to include termination of an ectopic or molar pregnancy.

Establishes that the offense of criminal abortion does not include an abortion that is performed or attempted by a licensed physician in a licensed hospital or ambulatory surgical treatment center if (1) the physician determined, using reasonable medical judgment that the abortion was necessary to prevent the death of the pregnant woman or to prevent serious risk of substantial and irreversible impairment of a major bodily function, as defined, of the pregnant woman; and (2) the physician performs or attempts to perform the abortion in the manner which, in using reasonable medical judgment, based upon the facts known to the physician at the time, provides the best opportunity for the unborn child to survive, unless using reasonable medical judgment, termination of the pregnancy in that manner would pose a greater risk of the death of the pregnant woman or substantial and irreversible impairment of a major bodily function.

Establishes that an abortion is not authorized and a greater risk to the pregnant woman does not exist under subdivision if either determination is based on a claim or diagnosis that the woman will engage in conduct that would result in her death or substantial and irreversible impairment of a major bodily function or for any reason relating to her mental health.

Eliminates the offense of attempt to procure a criminal miscarriage.

Requires the Department of Health (DOH) to collect the reports submitted and report quarterly the number of abortions performed in this state to the Governor, the Speaker of the Senate, the Speaker of the House of Representatives, and the Chairs of the Health and Welfare Committee of the Senate and the Health Committee of the House of Representatives no later than January 1, April 1, July 1, and October 1 of each year. Requires any cost associated with collecting and submitting such report be provided from within existing resources of the DOH.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-15-213(b), criminal abortion is a Class C felony.

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- Establishing that the offense of criminal abortion does not include an abortion that is performed as outlined will not result in a sufficient change in the number of prosecutions for state or local government to experience any significant change in revenue or expenditures.
- Pursuant to Tenn. Code Ann. § 39-15-201, attempt to procure a criminal miscarriage is a Class E felony.
- Eliminating the offense of attempt to procure a criminal miscarriage will not result in a sufficient change in the number of prosecutions for state or local government to experience any significant change in revenue or expenditures.
- Any impact to the court system as a result of the proposed legislation is estimated to be not significant.

The DOH can collect and submit the required reports utilizing existing personnel and resources; therefore, any fiscal impact is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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